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FEDERAL RAILROAD
ADMINISTRATION

BIRMINGHAM SOUTHERN RAILROAD COMPANY

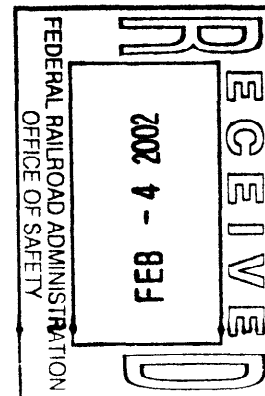
OFFICE OF CHIEF COUNSEL

POST OFFICE BOX 579
FAIRFIELD, ALABAMA 35064D. M. Gevaudan
General Superintendent

January 7, 2002

Allan Rutter
Administrator
Federal Railroad Administration
U. S. Department of Transportation
400 Seventh St., S. W.
Washington, D. C. 20590

FRA-2002-11503-2



Dear Administrator Rutter:

The purpose of this letter is to petition the Administrator of the Federal Railroad Administration "FRA" to place in "Restricted Service" (271) 77-ton Ore Hoppers in Birmingham Southern "BS" Car Series 8700-8972. Per applicable regulations, this letter is being submitted to the FRA in triplicate. This action is being taken under 49 CFR, Part 215, Section 215.203. These cars have been in BS service since 1985 and the equipment was built as follows:

<u>Month & Year Built</u>	<u>8700-8822</u>	<u>8823-8972</u>	<u>Total</u> <u>Cars</u>
5 - 52	0	23	23
6 - 52	27	0	27
7 - 52	7	0	7
8 - 52	11	0	11
9 - 52	15	79	94
10 - 52	<u>29</u>	<u>0</u>	<u>29</u>
Total 1952 Date Built Cars	<u>89</u> Cars	<u>102</u> Cars	<u>191</u>
6 - 53	0	19	19
10 - 53	<u>32</u>	<u>29</u>	<u>61</u>
Total 1953 Date Built Cars	<u>32</u> Cars	<u>48</u> Cars	<u>80</u>
Total Car Series	<u>121</u> Cars	<u>150</u> Cars	<u>271</u>

This equipment has been well maintained with repairs having been completed to the draft sills, body bolsters, center plates, doors, automated dump mechanisms and a variety of side end sheet and structural members. In addition BS has upgraded the air brakes from "AB" to "ABD" and is continuing on its efforts to replace all friction bearing trucks with roller bearing trucks. As of the date of this letter, there remain approximately 70 car-sets of trucks to be upgraded to eliminate friction-bearing components from this series of freight cars.

Section 215.203(a), "restricts the operation of any railroad freight car that is -
(1) More than 50 years old, measured from the date of original construction;"

Accordingly, commencing in May 2002, Birmingham Southern will be prohibited from operating the above equipment in captive service unless FRA grants a waiver for "BS's" continued use of these cars in captive service over "BS" lines. Consistent with the requirements of §215.203(c)(3), the following information is provided:

- (i) The name and principal business address of the petitioning railroad.

Birmingham Southern Railroad Company
P. O. Box 579
Fairfield, AL 35064

- (ii) The name and address of the entity that controls the operation and maintenance of the car(s) involved.

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- (iii) The number, type, capacity, reporting marks, and car numbers of the cars, their condition, status, and age measured from the date of original construction.

These cars total (271) in total and they are 77-ton Ore Jennies used to transport blast furnace and aggregate materials. They operate under "BS" Reporting Marks with an AAR Mechanical Designation "HMA" and they will be 50 years in age commencing in May of 2002. By October 2003, the final sixty-two (62) cars will turn 50 years in age.

- (iv) The design, type component, or other item that causes the car to be restricted.

Age is the only restriction. There are no "other items" that cause these cars to be restricted.

- (v) The maximum load the cars will carry. 77-tons

- (vi) The maximum speed at which the cars would be operated: 25 mph.

- (vii) That each car has been examined and found to be safe to operate under the conditions set forth in the petition.

Please be advised that each car has been examined and found safe to operate under the conditions set forth in this petition for waivers.

- (viii) The territorial limits within which the cars are to be operated and the name of each railroad that will receive the cars in interchange.

These 77-ton Ore Jennies are used to transport blast furnace materials a total distance of 18 miles between the Warrior & Gulf Navigation Company facility in Port Birmingham, AL and the U. S. Steel Fairfield Works in Fairfield, AL. These cars are also occasionally used to transport aggregate materials between other locations on The Birmingham Southern Railroad. These cars are and will remain captive for use on Birmingham Southern lines and they will not be used in interchange service.

With the above in mind, under Title 49, §215.203(c), Birmingham Southern is petitioning the Administrator for a waiver for continued use of this equipment over the lines of BS for a five (5) year period, commencing from the date of their 50th anniversary of their construction.

Please advise Federal Railroad Administration's position regarding this waiver request as soon as possible. Upon receipt of FRA's approval, BS will commence stenciling the equipment with a letter "R" in the same size and color as the reporting marks and with the letters "age" as required per §215.303.

Please advise in the event you have questions.

Very truly yours,



D. M. Gevaudan
General Superintendent

Cc: Mr. Fred Dennim
Regional Director, Region III
Federal Railroad Administration
U. S. Department of Transportation
61 Forsyth Street, S. W., Suite 16T20
Atlanta, GA 30303-3104